

REMARKS

In this response to the Final Office Action dated May 29, 2009, Claims 1-6 and 10-14 remain pending. In view of the remarks set forth herein, Applicants respectfully request withdrawal of the claim rejections and reconsideration of the pending claims.

Claim rejections under 35 U.S.C. 103 (a) over Igaki, Thornton and Cosgro

The Examiner rejected claims 1, 3, 4, 6, and 10-14 under 35 U.S.C 103(a) as allegedly unpatentable over U.S. Patent No. 5,766,188 to Igaki (“Igaki”) in view of U.S. Patent No. 6,551,350 to Thornton *et al.* (“Thornton”) in view of U.S. Patent No. 2,259,025 to Cosgro (“Cosgro”). Applicants respectfully traverse this rejection.

In the section of “Response to Arguments” of the Office Action, the Examiner acknowledged that Thornton fails to teach, among many other features, the feature of the pending claims related to prevention of unraveling, which includes “the thread end is passed through an anterior loop continuous to the thread end to prevent unraveling” of Claim 1 and “passing the thread end through an anterior loop continuous to the thread end” of Claim 10. However, the Examiner asserted that the Igaki and Cosgro references remedy this deficiency of Thornton. However, for the reasons discussed below, neither of these references make up for this deficiency.

Regarding the Igaki reference, the Examiner alleged that the anterior loop recited in the claims could be the knot that is disclosed in Igaki, and that Igaki’s knot would inherently prevent unraveling. *See page 7, lines 1-2 of the Office Action.* Applicants respectfully disagree. However, the term “anterior loop” as recited in the claims does not encompass a knot, as recited in Igaki et al. As explained in Applicants’ specification at page 12, lines 14-17,

after the predetermined suturing process is complete, the thread is drawn out from the loop 3 by removing the stopper, returning the thread end passing through the loop 3 to the original position, or pulling the thread.

If the loop 3 were read to encompass a “knot” as disclosed in Igaki et al., it would be impossible to return the thread end to the original position. Therefore, the knot disclosed in Igaki et al. would not meet the “anterior loop” limitation recited in the claims.

The newly cited Cosgro discloses a seamless tube of flexible wire mesh, wherein the cut edges of the tube are processed to prevent unraveling and prevent injury by the tips of the copper wire. More specifically, the cutting portion (11 of Fig. 7 of Cosgro) of the copper wire mesh is lock-stitched to prevent unraveling of the cutting portion. Cosgro's unraveling prevention is to prevent the cutting portions of a flexible copper wire from unraveling by lock-stitching, and not by "passing the thread end through an anterior loop continuous to the thread end" as recited in Claim 10 or where "the thread end is passed through an anterior loop continuous to the thread end to prevent unraveling" of Claim 1. Therefore, the structure disclosed by Cosgro is clearly different from the unraveling prevention according to the present invention.

Furthermore, Cosgro is directed to a device for cleaning and scouring. Thus, the technical field of Cosgro is completely different from that of Igaki and Thornton. Therefore, a person having ordinary skill in the art is unlikely to have any reason to combine Cosgro with Igaki and Thornton, which belong to different technical fields. Moreover, even if Cosgro could be combined with Igaki and Thornton, which they cannot, the combination would still fail to disclose every feature of Claims 1 and 10. Accordingly, Claims 1 and 10 are not obvious over Igaki, Thornton and Cosgro. Withdrawal of the rejections and reconsideration of Claims 1 and 10 is respectfully requested.

As to Claims 3, 4, 6, and 11-14, they incorporate all the features of Claim 1 or 10, through their dependency from the respective base claim. Therefore, these dependent Claims are patentable over the cited references for at least the same reasons that Claim 1 or 10 is patentable. Accordingly, Applicants respectfully request the Examiner to reconsider the dependent Claims 3, 4, 6, and 11-14 for the patentability.

Claim rejections under 35 U.S.C. 103 (a) over Igaki, Thornton, Cosgro and Oi

Claim 2 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Igaki in view of Thornton and Cosgro and further in view of U.S. Patent No. 6,063, 097 to Oi *et al.* ("Oi"). Applicants respectfully traverse the rejection.

Claim 2, through its dependency from Claim 1, incorporates all the features of its base Claim 1. As noted above, Claim 1 is patentable over Igaki, Thornton, and Cosgro individually

or even in combination. These references fail to render the subject matter of Claim 1 obvious in part as they all fail to disclose the feature of Claim 1 related to the means of prevention of unraveling. These deficiencies of Igaki, Thornton, and Cosgro, however are not cured by Oi. For example, Oi discloses neither two chain stitches (intralooping stitches) nor any means of prevention of unraveling using the anterior loop. Therefore, Oi, even if combined with Igaki, Thornton, and Cosgro, is still unable to teach or suggest Claim 2. Withdrawal of the rejection and reconsideration of Claim 2 is respectfully requested.

Claim rejections under 35 U.S.C. 103 (a) over Igaki, Thornton, Cosgro and Dalessandro

Claim 5 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Igaki in view of Thornton and Cosgro and further in view of U.S. Patent No. 6,273,897 to Dalessandro *et al.* ("Dalessandro"). Applicants respectfully traverse the rejection.

Claim 5, also through its dependency from Claim 1, incorporates all the features of its base Claim 1. Therefore, Claim 5 is patentable over Igaki, Thornton, and Cosgro. Further, Dalessandro fails to remedy the deficiencies of the references. Dalessandro also fails to show that the thread end is passed through an anterior loop continuous to the thread end, thereby preventing the thread from unraveling. As such, Dalessandro is also unable to render the subject matter of Claim 5 obvious even in combination with Igaki, Thornton, and Cosgro. Accordingly, Applicants respectfully request the Examiner to withdraw the claim rejection and reconsider Claim 5 for the patentability.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent,

child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, arguments in support of the patentability of the pending claim set are presented above. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he or she is invited to call the undersigned directly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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